

DAC #14
SB

PATENT
Docket No.: 12013/55202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wei-Ping Li *et al.*
SERIAL NO. : 09/750,779
FILED : January 2, 2001
FOR : Controlled Delivery of Therapeutic Agents by Insertable Medical Devices
GROUP ART UNIT : 1632
EXAMINER : Dave Nguyen

ATTENTION: Petitions Examiner Office of the Deputy Assistant Commissioner of Patents

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION UNDER 37 C.F.R. § 1.78(a)(3)

SIR:

Pursuant to 37 C.F.R. § 1.78(a)(3), the Applicants petition for the acceptance of an unintentionally delayed priority claim under 35 USC § 119 and 37 C.F.R. § 1.78(a)(2).

The Applicants' petition is directed to the benefit of prior provisional application 60/173,743 filed December 30, 1999.

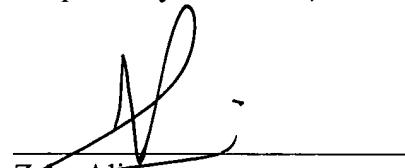
The entire delay between May 2, 2001, the date the priority claim was due under 37 C.F.R. § 1.78(a)(3) (4 months from filing), and the date this claim was filed, was unintentional.

Attached herewith is an Amendment Under 37 C.F.R. §1.116 that includes an amendment to the specification reflecting the priority claim.

The Office is hereby authorized to charge the Petition Fee under 37 C.F.R. § 1.17(t) to Deposit Account No. 11-0600. The Examiner is invited to call the undersigned at (202) 220-4258 to discuss any information concerning this application.

Respectfully submitted,

Dated: August 20, 2003



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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1300.00)

Complete if Known

Application Number	09/750,779
Filing Date	January 2, 2001
First Named Inventor	Wei-Ping Li et al.
Examiner Name	Dave Nguyen
Art Unit	1632
Attorney Docket No.	12013/55202

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METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
 Order

 Deposit Account:

Deposit Account Number

11-0600

Deposit Account Name

Kenyon & Kenyon

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	61	-66 **	= 0	X 18 = 0
Independent Claims	10	-10 **	= 0	X 84 = 0
Multiple Dependent				X = 0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

FEE CALCULATION (continued) OFFICE OF PETITIONS

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	SurchARGE - late filing fee or oath	
		1052	50	SurchARGE - late provisional filing fee or cover sheet	
		1053	130	Non-English specification	
		1812	2,520	For filing a request for reexamination	
		1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	Extension for reply within first month	
		1252	410	Extension for reply within second month	
		1253	930	Extension for reply within third month	
		1254	1,450	Extension for reply within fourth month	
		1255	1,970	Extension for reply within fifth month	
		1401	320	Notice of Appeal	
		1402	320	Filing a brief in support of an appeal	
		1403	280	Request for oral hearing	
		1451	1,510	Petition to institute a public use proceeding	
		1452	110	Petition to revive - unavoidable	
		1453	1,300	Petition to revive - unintentional	
		1501	1,300	Utility issue fee (or reissue)	
		1502	470	Design issue fee	
		1503	630	Plant issue fee	
		1460	130	Petitions to the Commissioner	
		1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	180	Submission of Information Disclosure Stmt	
		8021	40	Recording each patent assignment per property (times number of properties)	
		1809	750	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	750	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	750	Request for Continued Examination (RCE)	
		1802	900	Request for expedited examination of a design application	
				Other fee (specify) Petition Under 37 C.F.R. 1.78(a)(3)	1300

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1300.00)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete if applicable			
Name (Print/Type)	Registration No. Attorney/Agent)	51,392	Telephone	(202) 220-4200	
Signature			Date	August 20, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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